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In re Application of HAMES	:	
U.S. Application No.: 10/031,208	:	DECISION ON PETITION
Int. Application No.: PCT/US01/11806	:	
Int. Filing Date: 10 April 2001	:	UNDER 37 CFR 1.137(b)
Priority Date: 10 April 2000	:	
Attorney Docket No.: NREL 98-21	:	
For: PHENOL REMOVAL PRETREATMENT	:	
PROCESS	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 24 May 2002.

### **BACKGROUND**

On 10 April 2001, applicant filed international application PCT/US01/11806, which claimed priority of an earlier United States application filed 10 April 2000. The twenty-month period for paying the basic national fee in the United States expired at midnight on 10 December 2001.

International application PCT/US01/11806 became abandoned as to the United States at midnight on 10 December 2001 for failure to pay the basic national fee.

On 11 January 2002, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, an authorization to charge the basic national fee under 35 U.S.C. 371(c)(1) to Deposit Account No. 14-1460.

On 24 May 2002, applicant filed the present petition. The petition states that "14-0460" is the correct deposit account number.

### DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), the required basic national fee under 35 U.S.C. 371 has been charged to Deposit Account No. 14-0460 per applicant's authorization.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states, "Applicants state that the error was done unintentionally. . . ." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

### CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application has an international filing date of 10 April 2001 and a date under 35 U.S.C. 371 of 24 May 2002.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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